

Remarks

The present Amendment is being filed within the statutory period for response that is scheduled to end on April 12, 2006. Claims 1-20 are currently pending in this application. By this amendment, only independent claims 1 and 15 have been amended.

Applicant first wishes to thank the Examiner for the allowance of claims 9-14, and for the indication of allowability with respect to claims 4-6 and 19 if such claims are rewritten in independent form to include all limitations of any base claims from which they depend. Applicant has not, at this time, made any such amendments to claims 4-6 and 19, as applicant believes that the amendments made to independent claims 1 and 15 (the claims from which they depend) as set forth below, will place all remaining claims in condition for allowance.

The Examiner has rejected independent claims 1 and 15 (and various other dependent claims) under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,071,274 to Thompson ("Thompson"), and under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,527,769 to Langberg ("Langberg") in view of Thompson. The Examiner has further rejected dependent claims 7 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Thompson in view of U.S. Patent No. 5,863,291 to Schaer ("Schaer").

Both independent claims 1 and 15 have been amended to further recite a device in which

the active electrode has a surface area sufficiently smaller than the return electrode such that application of RF energy to the active electrode causes vaporization of fluid between the active and return electrodes, forming a plasma bubble substantially adjacent to the active electrode.

This additional feature is neither taught nor suggested by any of the references cited by the Examiner. More particularly, Thompson discloses a device with multiple electrodes 28 positioned along a distal end 16 of a catheter tube 14, wherein the electrodes are used in either a monopolar or bipolar mode to *ablate* tissue. Thompson illustrates only multiple electrodes of similar size, and provides no teaching or suggestion to modify this sizing in the manner currently recited in amended claims 1 and 15. Thompson further fails to teach or suggest the

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desirability of achieving sufficient current densities at the active electrode to cause vaporization of fluid as is also now recited in amended claims 1 and 15. The vaporization and resulting plasma bubble allows for cutting of tissue as opposed to ablation as taught by Thompson. Although Thompson does describe infusion of fluid, this is only for the purpose of conducting energy from the electrodes further into the tissue (Col. 38, lines 16-38), whereas in the present invention the fluid is vaporized and electricity is not intended to pass through tissue at all.

Langberg similarly describes only devices useful for *ablating* tissue, and also similarly fails to teach or suggest electrodes sized relative to one another in such a manner to establish a current density at the active electrode sufficient to vaporize fluid and form a plasma bubble around the active electrode suitable for cutting tissue.

For the reasons set forth above, applicant submits that both Langberg and Thompson, alone or in combination, fail to teach or suggest all elements of pending independent claims 1 and 15, as amended, and therefore do not anticipate or render obvious such claims. The remaining cited reference, Schaer, is similarly deficient. Accordingly, applicant respectfully requests reconsideration and allowance of claims 1 and 15, and each of claims 2-8 and 16-20 which depend therefrom.

Although no fee is believed to be due in connection with the present Amendment, the Commissioner is hereby authorized to charge any such fee to deposit Account No. 10-0750/GYN-5010/MJS.

Respectfully submitted,

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